

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**ASMAR ABDULLAH**

574 CENTENNIAL AVENUE APT. 2

TRENTON, NJ 08629

PLAINTIFF,

V.

# NEW JERSEY TRANSIT POLICE OFFICERS

**JOHN DOE #1 & JOHN DOE #2**

ONE PENN PLAZA EAST

NEWARK, NJ 07105

DEFENDANTS.

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105  
 106  
 107  
 108  
 109  
 110  
 111  
 112  
 113  
 114  
 115  
 116  
 117  
 118  
 119  
 120  
 121  
 122  
 123  
 124  
 125  
 126  
 127  
 128  
 129  
 130  
 131  
 132  
 133  
 134  
 135  
 136  
 137  
 138  
 139  
 140  
 141  
 142  
 143  
 144  
 145  
 146  
 147  
 148  
 149  
 150  
 151  
 152  
 153  
 154  
 155  
 156  
 157  
 158  
 159  
 160  
 161  
 162  
 163  
 164  
 165  
 166  
 167  
 168  
 169  
 170  
 171  
 172  
 173  
 174  
 175  
 176  
 177  
 178  
 179  
 180  
 181  
 182  
 183  
 184  
 185  
 186  
 187  
 188  
 189  
 190  
 191  
 192  
 193  
 194  
 195  
 196  
 197  
 198  
 199  
 200  
 201  
 202  
 203  
 204  
 205  
 206  
 207  
 208  
 209  
 210  
 211  
 212  
 213  
 214  
 215  
 216  
 217  
 218  
 219  
 220  
 221  
 222  
 223  
 224  
 225  
 226  
 227  
 228  
 229  
 230  
 231  
 232  
 233  
 234  
 235  
 236  
 237  
 238  
 239  
 240  
 241  
 242  
 243  
 244  
 245  
 246  
 247  
 248  
 249  
 250  
 251  
 252  
 253  
 254  
 255  
 256  
 257  
 258  
 259  
 260  
 261  
 262  
 263  
 264  
 265  
 266  
 267  
 268  
 269  
 270  
 271  
 272  
 273  
 274  
 275  
 276  
 277  
 278  
 279  
 280  
 281  
 282  
 283  
 284  
 285  
 286  
 287  
 288  
 289  
 290  
 291  
 292  
 293  
 294  
 295  
 296  
 297  
 298  
 299  
 300  
 301  
 302  
 303  
 304  
 305  
 306  
 307  
 308  
 309  
 310  
 311  
 312  
 313  
 314  
 315  
 316  
 317  
 318  
 319  
 320  
 321  
 322  
 323  
 324  
 325  
 326  
 327  
 328  
 329  
 330  
 331  
 332  
 333  
 334  
 335  
 336  
 337  
 338  
 339  
 340  
 341  
 342  
 343  
 344  
 345  
 346  
 347  
 348  
 349  
 350  
 351  
 352  
 353  
 354  
 355  
 356  
 357  
 358  
 359  
 360  
 361  
 362  
 363  
 364  
 365  
 366  
 367  
 368  
 369  
 370  
 371  
 372  
 373  
 374  
 375  
 376  
 377  
 378  
 379  
 380  
 381  
 382  
 383  
 384  
 385  
 386  
 387  
 388  
 389  
 390  
 391  
 392  
 393  
 394  
 395  
 396  
 397  
 398  
 399  
 400  
 401  
 402  
 403  
 404  
 405  
 406  
 407  
 408  
 409  
 410  
 411  
 412  
 413  
 414  
 415  
 416  
 417  
 418  
 419  
 420  
 421  
 422  
 423  
 424  
 425  
 426  
 427  
 428  
 429  
 430  
 431  
 432  
 433  
 434  
 435  
 436  
 437  
 438  
 439  
 440  
 441  
 442  
 443  
 444  
 445  
 446  
 447  
 448  
 449  
 450  
 451  
 452  
 453  
 454  
 455  
 456  
 457  
 458  
 459  
 460  
 461  
 462  
 463  
 464  
 465  
 466  
 467  
 468  
 469  
 470  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482  
 483  
 484  
 485  
 486  
 487  
 488  
 489  
 490  
 491  
 492  
 493  
 494  
 495  
 496  
 497  
 498  
 499  
 500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512  
 513  
 514  
 515  
 516  
 517  
 518  
 519  
 520  
 521  
 522  
 523  
 524  
 525

CIVIL ACTION

## JURY TRIAL DEMANDED

## COMPLAINT

## INTRODUCTION

This is an action for monetary damages brought pursuant to 42 U.S.C. § 1983 for violations of Plaintiff's rights guaranteed under the Fourth and Fourteenth Amendments to the United States Constitution, and under the laws of the State of New Jersey against New Jersey Transit Police Officers for false arrest and excessive force. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343, and the aforementioned statutory provision. Plaintiff further invokes supplemental jurisdiction of this Court, provided by 28 U.S.C. § 1367, to entertain claims arising under state law.

## PARTIES

1. Plaintiff **ASMAR ABDULLAH**, at all times relevant to this Complaint, was and is a United States citizen and a resident of the City of Trenton in the State of New Jersey.

2. Defendants **NJ Transit Policer Officers John Doe #1 and John Doe #2**, all times relevant to this Complaint, were and are police officer employed by the NJ Transit Police Department, acting under color of state law. They are being sued in their individual capacities.

### **FACTS COMMON TO ALL CLAIMS**

3. At the time of the incident that is the subject of this Complaint, Plaintiff Asmar Abdullah was a 53-year-old male, who stood approximately 5'9" tall and weighed 250 lbs.

4. Plaintiff has a significant medical history of depression, heart disease, hypertension, diabetes, and, at the time of this incident, was homeless. In addition, when he was in his early 20's, Plaintiff suffered a skull fracture that caused brain injury and resulted in a metal plate being put in his head.

5. On April 12, 2019, at approximately 1:30 AM, Plaintiff was at the Trenton Train Station where he encountered Defendants John Doe # 1 and #2 and complained about his cell phone being stolen by a young woman who had just run away.

6. Defendants John Doe #1 and #2, ordered Plaintiff to leave the station and escorted him out.

7. When Plaintiff allegedly tried to reenter the station, Defendants John Doe #1 and #2, took him violently to the ground and John Doe #2 sprayed mace directly into Plaintiff's face.

8. Defendants John Doe #1 and #2 were both yelling at Plaintiff to stop resisting and to put his arms behind his back, but at the same time were raining over two dozen punches with closed fists to Plaintiff's head.

9. Plaintiff was coughing and had difficulty in breathing due to the mace being sprayed directly into his face and mouth, and, at the same time, was using his left hand to try to protect his head from the repeated strikes, while his right hand was being knelt on by Defendant John Doe #1.

10. Defendants stopped punching Plaintiff long enough for Plaintiff to place his left hand behind his back, while stating repeatedly that he had a plate in his head.

11. Even when Plaintiff was laying prone, Defendants John Doe #1 and #2 had so much difficulty putting the handcuffs on, that they were both kneeling on Plaintiff, causing him to gasp for air and complain that he could not breathe.

12. Finally, Defendants John Doe #1 and #2 double-cuffed Plaintiff, using two sets of handcuffs, in order to handcuff Plaintiff behind his back.

13. Defendants sat Plaintiff up and walked him to the steps, where he had to sit down and suffered a seizure.

14. Plaintiff was ultimately taken to the hospital, where he was treated for eye pain caused by the mace, pain to his left hand, and injuries and pain from the repeated blows to his head.

15. There was no legal cause or justification for the use of force against Plaintiff, and the force that was used was unreasonable and excessive.

16. Plaintiff was never charged with a criminal offense.

17. As a direct and proximate cause of Defendants John Doe #1 and #2's conduct, Plaintiff suffered and continues to suffer physical and psychological pain and suffering, some or all of which may be permanent.

**COUNT I - FEDERAL CAUSE OF ACTION**  
**42 U.S.C. § 1983 – Fourth and Fourteenth Amendments**  
**Plaintiff Asmar Abdullah v. Defendants Transit Police Officers John Doe #1 and #2**

18. Plaintiff Asmar Abdullah hereby incorporates the preceding paragraphs of this Complaint, as set forth above.

19. As a direct and proximate result of the actions of Defendants John Doe #1 and #2, Plaintiff was assaulted forcibly and against his will, causing tremendous physical and psychological trauma, and depriving him of his rights under the Fourth and Fourteenth Amendments to the United States Constitution, and in particular, to be free from unlawful arrest, the unlawful use of force against his person.

**Count II – STATE CAUSE OF ACTION**  
**New Jersey Civil Rights Act**  
**Plaintiff Asmar Abdullah v. Defendants Transit Police Officers John Doe #1 and #2**

37. Plaintiff Asmar Abdullah hereby incorporates the preceding paragraphs of this Complaint, as set forth above.

38. The actions of Defendants as described above, violated Plaintiff's due process privileges or immunities secured by the Constitution or laws of the United States, and/or Plaintiff's substantive rights, privileges or immunities secured by the Constitution or laws of the State of New Jersey, and, as such, defendants are liable to plaintiff under the New Jersey Civil Rights Act, N.J. Stat. Ann. §10:6–2(c).

**DAMAGES**

39. Plaintiff Asmar Abdullah incorporates by reference each and every allegation set forth in the preceding paragraphs as if set forth herein at full length.

40. The conduct of Defendants, individually and together, was outrageous, in that it was malicious, wanton, willful, or oppressive, or showed reckless indifference to the interests of Plaintiff, and therefore, warrants the imposition of punitive damages.

**WHEREFORE**, Plaintiff Asmar Abdullah requests the following relief:

- a. compensatory damages;
- b. punitive damages against the individually named defendant;
- c. reasonable attorney fees and costs under Counts I - II; and
- d. such other relief as appears reasonable and just.

Respectfully submitted,

**JAMES, SCHWARTZ & ASSOCIATES, P. C.**

By: Robert G. Sellers  
ROBERT G. SELLERS, Esquire (Of Counsel)  
1500 Walnut Street – 21<sup>st</sup> Floor  
Philadelphia, PA 19102  
robert@sellerslawoffices.com  
Tel: (215) 896-1170

Attorney for Plaintiff